

ORIGINAL



0000010797

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MARC SPITZER - Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTEN K. MAYES

RECEIVED
2004 JUL 27 P 4: 54
AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION
OF THE TOWN OF SAHUARITA, ARIZONA
TO ESTABLISH A NEW RAILROAD
CROSSING WITH AUTOMATIC WARNING
DEVICES AT THE TRACKS OF THE UNION
PACIFIC RAILROAD COMPANY AT M.P.
1009.18.

DOCKET NO. RR-03639A-00-0560

LETTERS IN SUPPORT OF REQUEST FOR
FURTHER EXTENSION OF TIME

On July 22, 2004, Madera Highlands Subdivision ("Madera") filed a request for further extension of time to comply with Arizona Corporation Commission Decision No. 62987 which granted the Town of Sahuarita's application to construct a new railroad crossing. In support of that request, Madera hereby submits letters from the Union Pacific Railroad Company (Attachment A) and the Town of Sahuarita (Attachment B) supporting the extension of time to comply with Decision No. 62987 a further fifteen (15) months beyond the current deadline of August 1, 2004. Therefore, Madera respectfully requests that the Administrative Law Judge issue a procedural order to extend the current August 1, 2004 deadline to November 1, 2005.

Arizona Corporation Commission

DOCKETED

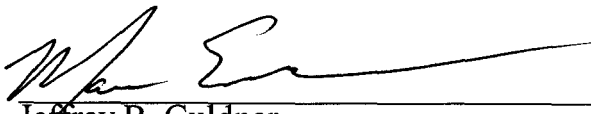
JUL 27 2004

DOCKETED BY

CAL

RESPECTFULLY SUBMITTED THIS 27th day of July, 2004.

SNELL & WILMER L.L.P.


for Jeffrey B. Guldner
George Tsiolis
Attorneys for Madera Highlands, L.L.C.

Original and thirteen (13) copies of the foregoing filed with Docket Control this 27th day of July, 2004.

COPY of the foregoing hand-delivered this 27th day of July, 2004 to:

Marc Stern
Administrative Law Judge
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

David M. Ronald
Arizona Corporation Commission
Legal Division
1200 West Washington Street
Phoenix, AZ 85007

Don Thompson
Railroad Safety Supervisor
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

COPY of the foregoing mailed this 27th day of July, 2004 to:

James Stahle
Manager, Town of Sahuarita
P.O. Box 879
Sahuarita, Arizona 85629

James Smith
Union Pacific Railroad Company
10031 Foothills Boulevard
Roseville, California 95747



EXHIBIT A



July 27, 2004

Mr. Jeff Saffer
Snell & Wilmer, LLP
One South Church Avenue, Suite 1500
Tucson, AZ 85701-1630

Subject: ACC Decision No. 62987 (November 2, 2000)
Granting Construction of Madera Highlands Railroad crossing
Milepost 1009.16, DOT No. 748 402B
Sahuarita, AZ

Dear Mr. Saffer:

Please be advised that Union Pacific Railroad Company has no objection to extending the completion date for the subject project an additional 15 months from the current August 1, 2004 date.

Very truly yours,

A handwritten signature in black ink, appearing to read "James H. Smith".

cc: Don Thompson - Arizona Corporation Commission

James H. Smith
Manager Industry & Public Projects, Engineering Department

UNION PACIFIC RAILROAD
10031 Foothills Boulevard, Roseville, CA 95747
ph. (916) 789-6352 fx. (916) 789-6333

EXHIBIT B



The Town of Sahuarita

July 23, 2004

**Paul Bowen
Harvard Investments
7600 East Doubletree Ranch Road
Suite 220
Scottsdale, AZ 85258**

**Re: Application of Town of Sahuarita for New Railroad Crossing at Union Pacific Tracks M.P.
1009.18 (Docket No. RR-03639A-00-0560)**

Dear Mr. Bowen:

As you know, the Town of Sahuarita applied on Madera Highlands' behalf for authorization to construct the above-referenced railroad Crossing and the Arizona Corporation Commission granted the Town's request. Due to economic considerations, the construction has been delayed under extensions granted by the Commission, which will expire on August 1, 2004. We understand that the construction needs to be further delayed because of economic considerations, and that until construction commences there will be no substantial traffic over the crossing, which has existed as a private rail crossing for over 40 years. This is to confirm that the Town of Sahuarita supports a further extension for 15 months, and understands that Madera Highlands will be filing a request for the extension with the Commission based in part on this letter of support. If you have any questions, please let me know.

Thank you,

**James R. Stahle
Town Manager**